

Appln No. 10/816,396
Amdt date May 30, 2007
Reply to Office action of January 30, 2007

REMARKS/ARGUMENTS

Claims 1-4, 7, 11-15, 17-22 and 31-33 remain pending in this application. Applicant has amended claim 1. The amendments find full support in the original specification, claims and drawings. No new matter is presented. Accordingly, Applicant respectfully requests a timely indication of allowance.

In the Office action dated January 30, 2007, the Examiner rejected claims 1-4, 7, 13, 17-20, 22 and 31 under 35 U.S.C. §103(a) as allegedly obvious over Diederich, et al. (U.S. Patent No. 6,117,101) in view of Abele (U.S. Patent No. 5,860,974). However, Applicant has amended independent claim 1 to recite that the framework is adapted to readily conform to a nonuniformly shaped tubular region. Neither Diederich nor Abele teach or suggest such a feature. Rather, Diederich discloses only that expandable member may have a tapered configuration. Diederich nowhere illustrates or describes a framework that is adapted to readily conform to a nonuniformly shaped tubular region, as recited in independent claim 1. Accordingly, independent claim 1, and all claims dependent therefrom are allowable over Diederich and Abele.

The Examiner also rejected claims 11-12, 14 and 21 under 35 U.S.C. §103(a) as allegedly obvious over Diederich in view of Abele and further in view of Webster, Jr. (U.S. Patent No. 5,772,590)("Webster '590"). However, Webster '590 fails to remedy the deficiencies of Diederich and Abele in that Webster '590 also does not disclose that the framework is adapted to readily conform to a nonuniformly-shaped tubular region, as recited in independent claim 1. Therefore, independent claim 1, and all claims dependent therefrom, including claims 11-12, 14, and 21, are allowable over Diederich, Abele and Webster '590.

In addition, the Examiner rejected claim 15 under 35 U.S.C. §103(a) as allegedly obvious over Diederich in view of Abele, Webster '590, Edwards, et al. (U.S. Patent No. 5,471,982) and Webster, Jr. (U.S. Patent No. 6,183,463)("Webster '463"). However, Edwards and Webster '463 also do not teach or suggest that the framework is adapted to readily conform to a nonuniformly shaped tubular region, as recited in independent claim 1. As such, independent claim 1, and

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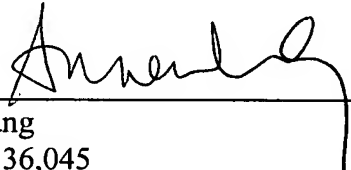
claim 15 which depends therefrom, are allowable over Diederich, Abele, Webster '590, Edwards and Webster '463.

Finally, the Examiner rejected claims 32 and 33 under 35 U.S.C. §103(a) as allegedly obvious over Diederich either by itself or in combination with Abele. However, independent claim 32 recites that the framework is sufficiently flexible that the diameter need not be constant along the length and the length need not be constant along the circumference so that the framework can conform to an interior volume of a nonuniformly-shaped tubular region. Neither Diederich nor Abele teach or suggest such a feature. Although the Examiner asserts that the embodiments shown in Figures 7a and 7b of Diederich disclose this feature, Applicant notes that the disclosure related to these embodiments supports only that the expandable member may be adjusted to a radially expanded position while in the left atrium and then advanced into the ostium. Column 18, lines 45-58. Even if it is accepted that Figures 7a and 7b show an expandable member having a tapered configuration, Diederich nowhere illustrates or describes a framework that is sufficiently flexible that the diameter need not be constant along the length and the length need not be constant along the circumference so that the framework can conform to an interior volume of a nonuniformly-shaped tubular region, as recited in independent claim 32. Thus, independent claim 32, and claim 33, which depends therefrom, are allowable over Diederich and Abele.

Respectfully submitted,

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